

REMARKS

Claims 1-32 have been examined. Applicant adds new claim 33. The primary examiner indicates that claims 1-8, 10-21 and 24-32 are allowed. Claims 1-33 are all the claims pending in the application.

Applicant thanks the primary examiner for considering all the references listed on PTO Form 1449 that were submitted with applicant's Information Disclosure Statements filed on September 10, 2002 and April 30, 2003.

Applicant respectfully requests that the primary examiner review and accept the original drawings filed on July 2, 2001 and indicate such acceptance to applicant in the next Office communication.

Rejection of Claims 9, 22 and 23 under 35 U.S.C. § 102(e) over Murray

The primary examiner rejects claims 9, 22 and 23 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,610,635 (hereinafter Murray). Applicant respectfully traverses this rejection.

Applicant respectfully submits that the primary examiner interprets claim 9 beyond that which is reasonable and concurrently misapplies the teachings of Murray. It is clear from the plain language of claim 9, that a "maintenance cartridge" is distinct from an "ink cartridge." Indeed, claim 9 recites "wherein the outward form distinguishes the maintenance cartridge from an ink cartridge."

Murray discloses a printer cartridge 40, which is an “ink cartridge.” (Col. 4, lines 64-65). However, Murray fails to disclose a “maintenance cartridge” or any other type of cartridge that is distinct from the “ink cartridge.”

One skilled in the art would not interpret “maintenance cartridge” in this way. Stated differently, the grounds of rejection set forth an interpretation of these limitations repugnant to how those skilled in the art would interpret them. (See MPEP §2111.01 - Plain Meaning)(8th Edition - revised Feb. 2003).

Notwithstanding the above, applicant provides the following additional remarks.

The primary examiner alleges that the flexible connector 46 of Murray corresponds to the claimed “outward form” of the maintenance cartridge. Applicant respectfully disagrees.

Referring to Figure 3, Murray describes “the flexible connector 46” in column 5, lines 30-48. Additionally, Figures 2 and 7 illustrate that the electrical contacts 50, the flexible connector 46 and the integrated circuit 49 are all on a planar surface side of the cartridge body 42 of the printer ink cartridge 40. However, there is nothing “outward” about the flexible connector 46.

The primary examiner reads teachings into the disclosure of Murray that are in fact, not present. Additionally, applicants submit that the primary examiner’s interpretation of this feature of the maintenance cartridge is beyond that which is reasonable and contrary to the interpretation by one skilled in the art and the plain meaning of “outward form.”

Additionally, the primary examiner alleges that Murray discloses “wherein the outward form distinguishes the maintenance cartridge from an ink cartridge,” of claim 9, citing to col. 10, lines 1-7. Applicant respectfully disagrees.

In col. 10, lines 1-7, Murray describes a memory storage element 48 that stores different types of data relating to the ink cartridge. However, the memory storage element 48 is not an “outward form.” Moreover, since Murray is silent as to a maintenance cartridge, the allegedly corresponding outward form could not possibly distinguish a maintenance cartridge from an ink cartridge. Indeed, the grounds of rejection fail to specify what in Murray corresponds to the claimed maintenance cartridge and what in Murray corresponds to an ink cartridge, as recited in claim 9.

For at least these reasons, Murray fails to teach or suggest any of the limitations of claim 9. Accordingly, applicant respectfully requests that the rejection of claim 9 be withdrawn. Claims 22, 23, and new claim 33 are patentable at least by virtue of their dependency on claim 9.

Conclusion

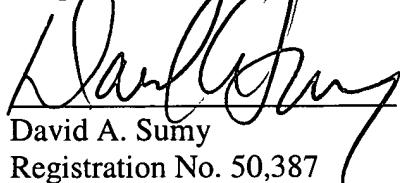
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/896,116

Attorney Docket No. Q65302
Art Unit 2853

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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